

ARTICLE 48-09

BRAND INSPECTION

Chapter
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Section
48-09-01-01 Feedlot Registration
48-09-01-02 Brand Inspection

48-09-01-01. Feedlot registration. For the purpose of complying with North Dakota Century Code section 36-01-30 regulating brand inspection of registered feedlots:

1. Any person who operates a dry lot cattlefeeding operation within the confines of permanently fenced lots may make application to the chief brand inspector of the North Dakota stockmen's association for a registered feedlot number. After the association has received application and a fee, an agent of the association shall, within thirty days, make investigation to determine that the following requirements are satisfied:
 - a. Operator's lots must be of permanently fenced dry lot status.
 - b. Operator must commonly practice feeding cattle to finish for slaughter.
 - c. Commercial feedlots, which custom feed cattle for other persons, and do not have ownership of the cattle, are not eligible for registration.

However, producers wishing to have their cattle fed at a commercial lot may apply for a registered feedlot permit individually and the operators of a commercial lot will be responsible for submitting all the necessary paperwork. If satisfactory the association may issue such registration number valid for ten years unless rescinded for cause.

2. All cattle placed in a registered feedlot shall be accompanied by a brand inspection certificate. Such certificate may be a market clearance, a local brand inspection certificate, or a recognized brand inspection certificate from another state. Cattle purchased or acquired by a registered feedlot operator from a North Dakota producer shall be inspected before being mixed with other cattle and the producer shall pay inspection costs. Cattle raised by a registered feedlot operator and placed in the operator's own feedlot shall be inspected at the time they

are placed in the feedlot and the regular inspection fee shall be paid by the operator. Cattle to be placed in a registered feedlot which come from outside North Dakota, but which are not accompanied by a brand inspection certificate, shall be inspected without charge before being mixed with other cattle.

3. The operator of a registered feedlot shall be required to keep certain cattle inventory records. A form for this purpose shall be prescribed by the chief brand inspector, such form to show number of cattle in the lot, number sold, date and place where cattle were sold, number of cattle remaining in lot, number of replacement cattle placed in lot, and such other information as may be necessary, including death losses. Cattle shipped from a registered feedlot directly to market shall not be subject to brand inspection or payment of inspection fees at the market but must be shipped on a permit form as prescribed by the chief brand inspector. This form shall be made in triplicate; one copy shall be delivered to the brand inspector at the market along with shipment; one copy shall be sent to the chief brand inspector along with the fees not later than ten days after the end of each quarter (quarters being March, June, September, December) for those cattle shipped during the previous three months; and one copy shall be retained by the operator. In the event the above permit form fails to accompany shipment of cattle to market, cattle shall be subject to inspection and regular fees shall be charged for the service. The operator of a registered feedlot shall pay an annual assessment of twenty dollars plus ten cents per head on each head shipped on the above permit form. Operators will be billed the twenty dollar portion of the annual assessment by the chief brand inspector in December for the coming year's annual assessment.
4. Cattle sold from a registered feedlot, but which are not sold for slaughter, must be inspected and the seller shall bear the cost of inspection at the regular fee.
5. Registered feedlots shall be subject to inspection at any reasonable time at the discretion of the chief brand inspector, and the operator shall show cattle inventory records and inspection certificates to cover all cattle in the operator's feedlot.
6. The chief brand inspector is authorized to revoke or suspend registration.

History: Amended effective June 1, 1983; November 1, 1989; May 1, 1992.

General Authority: NDCC 36-01-30

Law Implemented: NDCC 36-01-30

48-09-01-02. Brand inspection. For the purpose of complying with North Dakota Century Code chapters 36-05, 36-09, and 36-22:

1. When cattle, horses, or mules are offered for sale at any brand inspection point, proof of ownership must be established by the shipper of the cattle, horses, or mules, either by a recorded brand, bill of sale, livestock market clearance, local inspection certificate, or an affidavit of ownership.
2. If any animal inspected bears the recorded brand of the shipper or seller and also bears a recorded brand or brands other than the recorded brand of the shipper or seller, then the said shipper or seller may be required, at the discretion of the brand inspector, to establish ownership of such animal by bills of sale, market clearance, local inspection certificate, or any other satisfactory evidence of ownership.
3. No claim for feed, pasture, or gathering shall be allowed at market. All such claims must be referred to and approved for payment from proceeds of sale by the North Dakota stockmen's association, unless payment is authorized in writing by the owner of the brand carried by such livestock.
4. Sales agency, packing plant, and buying stations where inspection is maintained must furnish necessary help without charge to assist the brand inspectors in handling cattle, horses, or mules to be inspected for brands.
5. All cattle, horses, or mules entering an inspection point shall be placed in pens assigned to individual sellers and shall be kept separate from all other cattle, horses, or mules until inspected by the brand inspector and released for sale or shipment.
6. No cattle, horses, or mules shall be inspected after dark or by artificial light or inspected when loaded in trucks; provided, however, that under emergency circumstances deemed by the brand inspector to warrant inspection by artificial light, such inspection may be made at places designated by the chief brand inspector as having lighting which meets the specifications required by the chief brand inspector for inspection by artificial light. The chief brand inspector shall have authority to give approval to premises which meet such specifications and to extend or remove such approval.
7. It shall be the responsibility of the North Dakota stockmen's association to provide a sufficient and competent force of brand inspectors at inspection points to carry on the brand inspection in an efficient and timely manner.
8. Brand inspectors may not inspect their own livestock or trade at a market where they conduct inspections.
9. A buying station is a point where cattle, horses, or mules are gathered for sale and is also referred to as a weigh station or scale.

10. The North Dakota stockmen's association shall, when determined advisable by the chief brand inspector, make an inspection of any butcher shop, buying station, locker plant, or custom meat cutting and processing establishment where cattle are slaughtered or processed for the owner for a fee. Authorized inspectors of the association, when directed to do so by the chief brand inspector, shall be authorized to go upon the premises of any such butcher shop, buying station, locker plant, or custom meat cutting establishment, for the purpose of making physical inspection on the premises as to the ownership or identity of animals or their carcasses that may be found therein.
11. A fee of seventy-five cents per head on all cattle, horses, or mules subject to brand inspection at points where such inspection is maintained shall be paid by the owner of the cattle, horses, or mules, and when sold by a commission firm, sales agency, or when purchased by a buying station operator or packing plant, it shall be the obligation of the commission firm, sales agency, buying station operator, or packing plant company to collect and withhold from the proceeds of such sale the inspection fee and to pay over to the association upon demand the amounts so collected without any deductions whatsoever. Whenever a brand inspector is required to travel to points other than the inspector's official stations to perform local brand inspection, the inspector shall be paid mileage by the shipper, owner, or consignor at the same rate per mile [1.61 kilometers] paid state officials in addition to the regular brand inspection fee. A permanent inspection permit may be obtained, for horses and mules only, by payment of a ten dollar inspection fee.
12. The following auction markets outside the state of North Dakota are designated official brand inspection markets for North Dakota cattle, horses, and mules by the North Dakota stockmen's association: Mobridge livestock auction, Mobridge, South Dakota; McLaughlin sales, inc., McLaughlin, South Dakota; Lemmon livestock market, inc., Lemmon, South Dakota; Sisseton livestock sale co., Sisseton, South Dakota; Britton livestock sale co., Britton, South Dakota; hub city livestock sale co., Aberdeen, South Dakota; Aberdeen livestock sales, Aberdeen, South Dakota; Herreid livestock sale co., Herreid, South Dakota; Baker livestock auction, inc., Baker, Montana; Glendive livestock auction, Glendive, Montana; Sidney livestock market center, Sidney, Montana.

If any of the above markets where the North Dakota stockmen's association provides brand inspection closes for a period of three months or longer, the market must file a written request and follow the same criteria as listed for new requests for brand inspection services.

- a. The request must be from a market within thirty-five miles of the North Dakota border.

- b. The number of potential inspections must be at a level that is feasible for the North Dakota stockmen's association to hire personnel to perform the inspection services.
- c. The auction must file a bond with the North Dakota stockmen's association in an amount to assure that any shortage of income from inspections will cover all expenses incurred in performing the services.
- d. The auctions must agree to abide by all North Dakota livestock inspection laws and rules. Failure to do so will result in immediate revocation of their service.

History: Amended effective April 1, 1980; July 1, 1982; June 1, 1983; April 1, 1988; September 1, 1988; July 1, 1995; September 1, 2003; November 1, 2004.

General Authority: NDCC 36-22-03

Law Implemented: NDCC 36-05-10, 36-09-15, 36-09-23, 36-09-26, 36-22-02, 36-22-03